

10-31-07

AF 1/JRW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/678,720

Filing Date

October 3, 2003

First Named Inventor

Robert C. Lam

Art Unit

1771/Conf. #6119

Examiner Name

Jennifer A. Steele

Attorney Docket Number

01168/BW00076

ENCLOSURES (Check all that apply)

Fee Transmittal Form
 Fee Attached
 Amendment/Reply
 After Final
 Affidavits/declaration(s)
 Extension of Time Request
 Express Abandonment Request
 Information Disclosure Statement
 Certified Copy of Priority Document(s)
 Reply to Missing Parts/ Incomplete Application
 Reply to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)
 Licensing-related Papers
 Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation
 Change of Correspondence Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s) _____
 Landscape Table on CD

Remarks

After Allowance Communication to TC
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter
 Other Enclosure(s) (please identify below):
 Return Postcard
 Credit Card Payment Form

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name
Emch, Schaffer, Schaub & Porcello Co., L.P.A.

Signature

Printed name
Patrick P. Pacella

Date
October 30, 2007 Reg. No. 25,463

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

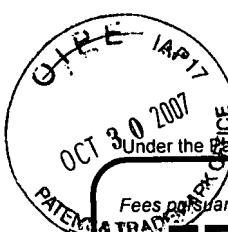
Kathy A. Burgess

Date

10/30/07

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2008

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | 11/678,720 |
| Filing Date | October 3, 2003 |
| First Named Inventor | Robert C. Lam |
| Examiner Name | Jennifer A. Steele |
| Art Unit | 1771/Conf. #6119 |
| Attorney Docket No. | 01168/BW00076 |

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order None Other (please identify): _____

 Deposit Account Deposit Account Number: 15-0825 Deposit Account Name: Owen & Owen

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

| | |
|--|---|
| <input type="checkbox"/> Charge fee(s) indicated below | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | |
|------------------|-------------|--------------|-------------|--------------|------------------|--------------|
| | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fee (\$) | Small Entity |
| Utility | 310 | 155 | 510 | 255 | 210 | 105 |
| Design | 210 | 105 | 100 | 50 | 130 | 65 |
| Plant | 210 | 105 | 310 | 155 | 160 | 80 |
| Reissue | 310 | 155 | 510 | 255 | 620 | 310 |
| Provisional | 210 | 105 | 0 | 0 | 0 | 0 |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Small Entity | Fee (\$) | Fee (\$) |
|--------------|--------------|----------|---------------|--------------|----------|----------|
| - 20 or HP = | x | = | | 50 | 25 | |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | Fee (\$) | Fee Paid (\$) |
|---------------|--------------|----------|---------------|---------------------------|----------|---------------|
| - 3 or HP = | x | = | | 210 | 105 | |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 = | / 50 = | (round up to a whole number) x | = | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Notice of Appeal Fees Paid (\$) 510.00

SUBMITTED BY

| | | | |
|-------------------|--------------------|---|------------------------|
| Signature | | Registration No. (Attorney/Agent) 25,463 | Telephone 419-243-1294 |
| Name (Print/Type) | Patrick P. Pacella | | Date Oct 30, 2003 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



01168/DKT00076

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 10/678,720

Art Unit: 1771

Filing Date: October 3, 2003

Confirmation No.: 6119

Inventor(s): Robert C. Lam

Examiner: Arden B. Sperty

Title: FRICTION MATERIAL CONTAINING PARTIALLY
CARBONIZED CARBON FIBERS

Notice of Appeal

Assistant Commissioner for Patents
Washington, D.C. 20231

October 30, 2007

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Advisory Action rejecting Claims 6 – 9, 12, 13 and 29 which was mailed on August 2, 2007 and set a shortened statutory period of three (3) months for response thereto.

Enclosed, please find form PTO-2038 Credit Card Payment Form for payment in the amount of \$510.00 to cover the cost of the Notice of Appeal fee.

Respectfully submitted,

Patrick P. Pacella
Reg. No. 25,463

Emch, Schaffer, Schaub
& Porcello Co., L.P.A.
P.O. Box 916
Toledo, OH 43697-0916
PPP/kab

10/31/2007 CNEGAI 000000033 10678728

01 FC:1401

510.00 0P